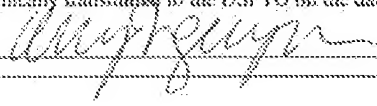


I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below.

Date: September 29, 2006

Signature: 

(Quyen Nguyen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/615,491

Confirmation No.: 8889

Filing Date: July 7, 2003

Inventor(s): Bryan LOOMAS et al.

Title: EXTRAPLEURAL AIRWAY DEVICE AND METHOD

Examiner: P. Vrettakos

Group Art Unit: 3739

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR
PRIORITY UNDER 35 U.S.C. § 120**

Mail Stop Petition
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

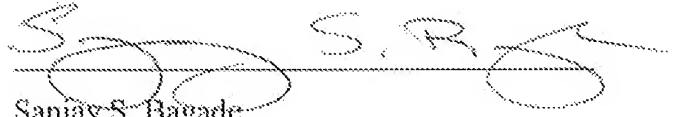
Pursuant to 35 U.S.C. 120, Applicant hereby petitions for acceptance of an unintentionally delayed claim for priority. The entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date of the claim was unintentional. Filed herewith is the fee set forth in § 1.17(t).

On page 1 of the specification, please add the following paragraph after the title and before paragraph [0001] and "FIELD OF INVENTION" as follows:

[0001] This application claims benefit of U.S. Provisional Application No. 60/393,964 filed July 5, 2002 and is a continuation-in-part of prior U.S. Application No. 11/357, 639, filed February 16, 2006, which is a continuation of U.S. Application No. 10/978,905, filed November 1, 2004, which is a continuation of U.S. Application No. 10/633,902, filed August 4, 2003; which is a continuation of U.S. Application No. 09/633,651, filed August 7, 2000, now U.S. Patent No. 6,692,494, which claims the benefit

of U.S. Provisional Application No. 60,176,141 filed January 14, 2000 and U.S. Provisional Application No. 60/147,528, filed August 5, 1999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Bagade', is written over a horizontal line.

Sanjay S. Bagade
Registration No. 42,280

Customer No. 40518
Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4212
Fax: (650) 284-2180